HOMICIDE—WOUNDS INFLICTED IN ONE COUNTY AND DEATH IN ANOTHER—VENUE.—The deceased was mortally wounded in County O and died some four days later in County S. The defendant was prosecuted and convicted of manslaughter in County S under the following statute: "If any mortal wound is given, or poison administered, in one county, and death by means thereof ensues in another, the jurisdiction is in either county." Kan. Gen. Stat (1915) § 7938. The defendant appeals, relying on § 10 of the Kansas Bill of Rights which secures to the accused in all prosecutions "a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed", and contending that the offense was committed in the county where the mortal wounds were given. The validity of the statute was upheld and the judgment affirmed. *State* v. *Criqui* (Kan. 1919) 185 Pac. 1063.

Constitutional guarantees of the instant character must be interpreted in the light of the pre-existing law, common or statutory, and statutes, as in the principal case, have been invariably sustained as being merely declaratory of such law. *State* v. *McCoomer* (1908) 79 S. C. 63, 60 S. E. 237; *Smith* v. *State* (1900) 42 Fla. 605, 28 So. 758; see *Ex parte McNeely* (1892) 36 W. Va. 84, 14 S. E. 436. The ancient common law in point is hopelessly confused. 1 Hale P. C. 426; 2 Hale P. C. 163; see *Stout* v. *State* (1892) 76 Md. 317, 25 Atl. 299. However, the American courts almost unanimously, but on conflicting theories, hold such inter-county crime indictable at common law in either place. *Commonwealth* v. *Jones* (1904) 118 Ky. 889, 82 S. W. 643; 1 Bishop, New Crim. Proc. (2nd. ed.) §§ 50-52; but see *Stoughton* v. *State* (1850) 21 Miss. 255. On principle the crime is located in the county of the wounding and is there indictable apart from any statute. *Fields* v. *Commonwealth* (1913) 152 Ky. 80, 153 S. W. 29; see *United States* v. *Guiteau* (D. C. 1882) 47 Am. Rep. 247; 1 Bishop, New Crim. Law (8th ed.) § 113 *et seq.; contra, Commonwealth* v. *Parker* (1824) 19 Mass. 550. But the Stat. 2 & 3 Edw. VI (1547-1548), authorizing indictment in the county of the death, is regarded by practically all our courts as part of their common law. See *Ex parte McNeeley, supra;* 1 Bishop, New Crim. Prac. (2nd ed.) § 52. The words "is alleged" occurring in a similar constitutional provision have been interpreted as granting the legislature discretionary power to fix the venue. *Watt* v. *People* (1886) 126 Ill. 9, 18 N. E. 340. The instant case apparently accepts the now discarded view that this type of crime was unindictable at common law apart from 2 & 3 Edw. VI, c. 24, which statute regarded as part of the common jurisprudence of Kansas, is the basis of the decision. They have thereby made it unnecessarily difficult to uphold jurisdiction in the county of the wounding while, in fact, the Kansas court had already indicated that such a crime was committed in the place of wounding. *State* v. *Bowen* (1876) 16 Kan. 475.

MUNICIPAL CORPORATIONS—FLOODING PRIVATE PROPERTY BY DEFECTIVE CULVERT.—The plaintiff alleged that the defendant's superintendent of highways negligently constructed and maintained a culvert across a highway, which because it was inadequate in size, caused water to back up and overflow the plaintiff's land to the damage of the property. *Held,* demurrer to the complaint overruled. *Bowman* v. *The Town of Chenango* (N. Y. 1920) 125 N. E. 809.

It has long been settled that where an individual has received a direct injury from a corporate act in the nature of a trespass upon his